

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. APPLN. No.: 10/092,623

REMARKS

Claims 24-31 are pending in the application.

Applicant thanks the Examiner for the telephone conference of September 13, 2002, in which the Examiner clarified that the § 103(a) rejection described on page 4 of the Office Action mistakenly cites the Yoshizawa reference twice. The rejection should be made with respect to the Barinaga and Yoshizawa references, and to European Patent 0928694 to Nakazawa et al.

Applicant thanks the Examiner for acknowledging Applicant's claim for foreign priority under 35 U.S.C. § 119(a)-(d). Applicant also thanks the Examiner for acknowledging receipt of the certified copies of the priority documents filed on March 8, 2002 and for placing them in the record of the file.

Applicant also thanks the Examiner for considering the references listed on Form PTO/SB/08 A & B submitted with the Information Disclosure Statement filed on March 8, 2002. Applicant also thanks the Examiner for initialing and returning Form PTO/SB/08 A & B and for placing it in the record of the file as Paper No. 3.

Applicant notes that Formal Drawings were filed with the application on March 8, 2002. Applicant respectfully requests the Examiner to acknowledge their receipt.

Rejection of Claims 24-28 under § 102(a)

The Examiner rejects claims 24-28 under 35 U.S.C. § 102(a) as being anticipated by Japanese Patent No. 08-230204A to Yoshizawa et al. Applicant respectfully traverses this rejection.

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One of the features of Applicant's invention as claimed in claim 24 is "an ink pack press member which is housed in the cartridge case along with the ink pack and which adjusts the volume of ink to be filled into the ink pack in accordance with the volume of the press member, wherein said press member is separate from said cartridge case." Yoshizawa does not teach or suggest this feature as claimed.

The Examiner alleges that ribs 4a correspond to this ink pack press member. Applicant respectfully disagrees. First, the Yoshizawa discloses that the ribs 4a are integrally molded on the upper surface of the upper part of the cartridge case (Yoshizawa, Abstract). If the ribs are integrally molded to a part of the cartridge case, then they cannot also be separate from the cartridge case as the claim requires. In addition, the ribs are part of the upper part of the case, so the ribs cannot also be housed in the case as the claim requires.

Because Yoshizawa fails to disclose at least this feature of claim 24, claim 24 is not readable on (i.e. is not anticipated by) Yoshizawa least for this reason.

Rejection of Claims 29-31 under § 103(a)

The Examiner also rejects claims 29-31 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,030,074 to Barinaga in view of Japanese Patent No. 08-230204A to Yoshizawa et al. and European Patent 0928694 to Nakazawa et al. Applicant respectfully traverses this rejection.

Claims 29-31 depend from independent base claim 24. The Examiner relies on the Yoshizawa reference to supply the ink pack press member recited in base claim 24. However, as

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discussed above with respect to the § 102(a) rejection, Yoshizawa does not disclose or suggest at least this feature of an ink pack press member that is separate from the cartridge case as required by base claim 24.

Barinaga does not supply this deficiency in Yoshizawa, because Barinaga does not disclose any ink pack press members. Furthermore, Nakazawa does not supply this deficiency in claim 24. Nakazawa discloses a detect plate 63 that is fixed onto the ink bag and which is used to detect when the amount of ink left in the bag has dropped below a specific point (Nakazawa, column 9, lines 4-53). But the detect plate does not adjust the volume of ink to be filled into the ink pack in accordance with the volume of the press member as required by claim 24. In fact, based on the description of how detect plate 63 detects the reduction in volume of the ink bag, Nakazawa could not incorporate an ink pack press member, because the compression of the ink bag by a press member based on its volume as required by the claim would distort the volume level indicated by the detect plate 63.

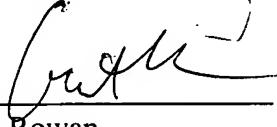
Because Barinaga, Yoshizawa, and Nakazawa, considered separately or in combination, do not disclose or suggest at least this feature of independent base claim 24, claims 29-31 are allowable at least by virtue of their dependency on base claim 24.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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APPENDIX

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

The claims are amended as follows:

24. (Amended) An ink cartridge for use with a recording apparatus, including an ink pack of flexible material storing ink therein, and a cartridge case which houses the ink pack and constitutes an outer shell, the ink cartridge comprising:
an ink pack press member which is housed in the cartridge case along with the ink pack and which adjusts the volume of ink to be filled into the ink pack in accordance with the volume of the press member, wherein said press member is separate from said cartridge case.